

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PERFICIENT, INC., )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )                      Case No. 4:16 CV 249 CDP  
                        )  
NICHOLAS PRIORE,   )  
                        )  
Defendant.           )

**MEMORANDUM AND PRE-HEARING ORDER**

For the reasons stated on the record during the temporary restraining order hearing held on February 29, 2016,

**IT IS HEREBY ORDERED** that the motion for temporary restraining order [6] is granted consistent with the Temporary Restraining Order entered February 29, 2016 [22].

**IT IS FURTHER ORDERED** that this matter is set for a preliminary injunction hearing on **March 14, 2016 at 9:30 a.m. in Courtroom 14-South.**

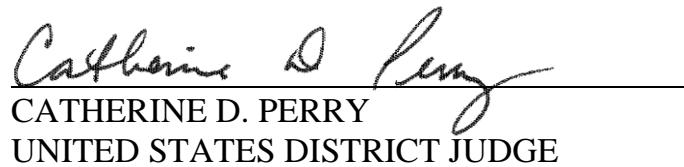
**IT IS FURTHER ORDERED** that the motion to continue hearing [17] and the motion to dismiss [14-1] are denied.

**IT IS FURTHER ORDERED** that plaintiff shall file its opposition to the motion to transfer venue [14-2] by **5:00 p.m. on March 3, 2016**. Defendant may file any reply brief in support of his motion to transfer by **5:00 p.m. on March 4, 2016**.

**IT IS FURTHER ORDERED** that the motion to file under seal [4] and the consent motion to file under seal [15] are granted.

**IT IS FURTHER ORDERED** that the motion to expedite discovery [7] is denied as moot, as the following schedule shall apply to the preliminary injunction hearing and will be modified only upon a showing of exceptional circumstances:

1. Plaintiff shall propound any written discovery to defendant by **5:00 p.m. on February 29, 2016**, and defendant shall file his responses to written discovery by **5:00 p.m. on March 7, 2016**. Plaintiff shall provide its responses to any written discovery propounded by defendant within seven calendar days of service and by 5:00 p.m. on that date.
2. Any depositions shall be conducted on **March 9-10, 2016**.
3. Defendant shall file any supplemental opposition to the request for preliminary injunction by **5:00 p.m. on March 9, 2016**.
4. Estimated Length of Hearing: No later than **5:00 p.m. on March 10, 2016** the parties must file a JOINT statement of the estimated length of time for the hearing.
5. Plaintiff shall file its proposed findings of fact and conclusions of law in support of a preliminary injunction, together with a trial brief citing authorities in support of its legal theories, a bond proposal as required by Federal Rule of Civil Procedure 65(c), and a proposed form of preliminary injunction (with a word processing version of this document emailed to my judicial assistant) by **5:00 p.m. on March 11, 2016**.
6. No later than **5:00 p.m. on March 11, 2016**, each side shall file a list of all witnesses that party expects to call at the hearing and a list of all exhibits that party expects to introduce into evidence (pre-marked, Plaintiff to use Arabic numerals and defendants to use letters, e.g., Pltf-1, Deft-A).



CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 1st day of March, 2016.